

Daniel Schorr on

Rights for Reporters

By John F. MacKenzie

ATLANTA—Suspended CBS newsman Daniel Schorr appealed yesterday for "an unofficial First Amendment" that would protect reporters' free press rights when reporters clash with their employers.

Schorr, in limbo with CBS News since leaking a secret House intelligence committee report to the Village Voice six months ago, called on "large press enterprises" not to discipline reporters if they go "outside normal channels" or have information published in another medium.

He spoke at a luncheon meeting of the Individual Rights and Responsibilities section of the American Bar Association, which is holding its annual convention here. On advice of his own legal counsel—and with many legal questions with his employer and the House committee still unresolved—Schorr declined to say whether he consulted his CBS superiors before arranging for the Voice to publish long excerpts of the text of the committee's report on abuses by United States intelligence agencies.

"It has been astonishing," Schorr said, "how often I meet with important persons in the news establishment, completely ready to argue such matters as the professional necessity of acting in the face of a House resolution, the growing difficulty of reporting in the face of a secrecy backlash, the issues of disclosure versus national security and privacy—and find myself having instead to argue about the propriety of acting on my own and who owns the information I collect."

"When did freedom of the press evolve into a franchise to be exercised through large press enterprises?" Schorr asked. "What has happened to the basic concept of freedom of expression as a freedom for every American?"

Schorr admitted that his questions were "more complicated than they sound," since even reporters can waive their rights of free expression if they sign a contract giving a publisher or broadcaster control over the way they use their talents.

"If government should not control news," Schorr suggested, "then perhaps no one should. The First Amendment says only that Congress shall

make no law abridging the freedom of the press and speech. Perhaps it is time for some unofficial First Amendment that says no economic enterprise shall make rules abridging individual freedoms of speech and press.

"I hold that the basic purpose of the First Amendment is to promote the broadest dissemination of legitimate information through all channels—and not only established, authorized channels. I would suggest that the First Amendment is not only the news establishment's First Amendment, but it is every journalist's and every American's individual right and, what's more, individual responsibility."

In the beginning, Schorr noted, the First Amendment was aimed at protecting pamphleteers like Thomas Paine and handpress publishers in the tradition of John Peter Zenger. More recently it required "the great news empires—The Washington Post-Newsweek Company, the New York and Los Angeles Times companies, Time Inc., yes, and CBS—to stand up to the Nixon administration and vindicate the First Amendment."

Schorr did make one disclosure: Contrary to the recent testimony of Rep. James Stanton (D-Ohio), Schorr said he never told Stanton that the CIA was the source of his contraband copy of the House committee report.

He said that only CBS News inquired whether Stanton had been correct. If other news organizations had called, Schorr said, they would have been told that he recalled no such conversation with the congressman.

But any more discussion about sources might give the House Ethics Committee, which has been investigating the leak, "an erroneous expectation about the usefulness of summoning journalists" as witnesses, Schorr said. He repeated that he will not divulge his source and hopes the ethics committee will remain "on its side of the constitutional Great Divide" by not calling him to the witness stand.

The audience, composed of the ABA's minority of lawyers whose concern is chiefly civil rights and civil liberties, applauded Schorr warmly, apparently as much for his televised Watergate coverage as for his untelevised fight with CBS and Congress. "It's nice to face some microphones again," Schorr said.